

### **REMARKS**

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121 and §372:

- I. Claims 1-6, drawn to a process.
- II. Claims 7-14, drawn to a process.

Responsive to the restriction requirement, Applicant elects to prosecute the invention of Group I directed to a process **with traverse**.

The invention as claimed in claim 1 is directed to a process for preparing nisoldipine encompassing the use as reactant of 2-(2-nitrobenzylidene acetoacetate).

As clearly stated in the originally filed specification at page 9, lines 9-15, in a **preferred embodiment** of the present invention, namely **the process for preparing nisoldipine as claimed in claim 1, 2-(2-nitrobenzylidene acetoacetate)** is prepared by reacting 2-nitrobenzaldehyde with isobutyl acetoacetate in methylene chloride as solvent in the presence of a catalytic amount of piperidine formate at a temperature of from -10 to 50°C, namely with the process specifically claimed in claim 7.

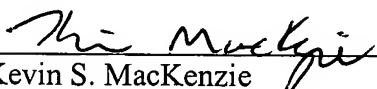
In view of the foregoing, it is clearly evident, not only from the above-mentioned sentence of the originally filed specification, but also from the same claim 7, which **on purpose** was drafted as dependent from claim 1, that the invention in claim 7 is **not** the process for preparing the aforementioned 2-(2-nitrobenzylidene acetoacetate) **as such**, but the process for **preparing nisoldipine as claimed in claim 1, preferably using as the intermediate 2-(2-nitrobenzylidene acetoacetate prepared with the operating conditions claimed in claim 7.**

It follows from the above that Applicant respectfully disagrees with the Examiner's opinion that nisoldipine is not produced in Group II since, as above stated, said claims relate to

the preparation of nisoldipine, when specifically reactant 2-(2-nitrobenzylidene acetoacetate) is prepared by using the operating conditions claimed in claims 7-14.

In view of the foregoing the Group II claims, rather than a different invention from that claimed in Group I, are considered **as a preferred embodiment to carry out the Group I invention** and under this perspective Groups I and II relate to a single inventive concept.

Respectfully submitted,

  
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